

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE PAYMENT CARD
INTERCHANGE FEE AND MERCHANT
DISCOUNT ANTITRUST LITIGATION

Case No. 05-MD-01720 (MKB) (JO)

**DECLARATION OF N. ALBERT BACHARACH, JR.
REGARDING FIKES WHOLESALE, INC. PURSUANT TO 28 U.S.C. § 1746**

I, N. Albert Bacharach, Jr., hereby declare as follows:

1. I have knowledge of the facts set forth in this Declaration and, if called and sworn as a witness at any proceeding before this Court, I could and would competently and truthfully testify as set forth herein.

2. “Fikes Wholesale, Inc. supplies petroleum products. The Company distributes gasoline and diesel fuel to retail and commercial stations, as well as offers store operations management including site selection, development, to daily operations. Fikes Wholesale provides automated teller machine, air charter, fleet credit card, and consultation services to customers in the United States.” [https://www.bloomberg.com/profile/company/9987916Z:US?in_source= embedded-checkout-banner](https://www.bloomberg.com/profile/company/9987916Z:US?in_source=embedded-checkout-banner). Bloomberg screenshot attached hereto and incorporated herein as Exhibit A.

3. Fikes Wholesale owns and operates a wholesale fuels business (Fikes Fuels), a fuels transportation business (Group Petroleum Services), an ATM solutions provider (CORD Financial Services), and an ATM processor (Digital Network Solutions). <https://matrixcmg.com/press-releases/matrix-announces-the-successful-divestment-of-50-cefco-petroleum-marketing-convenience-retail-stores/>

4. Temple [Texas}-based Fikes Wholesale, Inc. has delivered quality gasoline and diesel fuel from Shell, ExxonMobil, ChevronTexaco, CITGO, Valero and unbranded and commercial

accounts to retail stations throughout the Southeastern U.S.

<https://templeedc.com/success-story/fikes/>

5. According to the Fikes Wholesale website (<https://fikesinc.com/>) : “Fikes Wholesale, Inc. is a multi-branded petroleum products marketer that has been in business for 59 years. We offer and distribute quality fuel products from Shell, ExxonMobil, ChevronTexaco, CITGO and Valero to retail stations throughout Southeastern United States. In addition, Fikes serves many unbranded and commercial accounts with quality gasoline and diesel fuel.” Frisk screenshots attached hereto and incorporated herein as Exhibit B.

6. In addition to selling branded gas, Fikes Wholesale, Inc. Sells and distributes unbranded gas to unbranded retail gas station.

<http://fikesfuels.com/downstream-fuel/#unbranded-fuel>

7. “We offer a host of services for valued dealers. With fuel availability at more than 150 Supply points across the southeast United States we provide product to your site at the best cost.

<https://fikesinc.com/>



8. Fikes Wholesale, Inc.: Owens and operates more than 200 gas stations and convenience stores under it's CEFCO brand; provides local gasoline and diesel delivery services from refineries and petroleum loading racks under its GPS brand; provides and operates ATM machines through its CORD Financial Services and DNS Brands. <https://fikesinc.com/>



I, N. ALBERT BACHARACG, JR., declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 9th day of May 20232.

/S/ N. Albert Bacharach, Jr.
N. Albert Bacharach, Jr.